

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: Tagmetics, Inc. * Case No. 19-30822

*

* Judge Humphrey

* Chapter 7

TAGNETICS, INC.'S MOTION FOR EXPEDITED DISPOSITION

Tagmetics, Inc. ("Tagmetics"), by and through its undersigned counsel and pursuant to Local Bankruptcy Rule 9073-1, hereby files this Motion for Expedited Disposition regarding Tagmetics' Motion to Reschedule Evidentiary Hearing and Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagmetics. In support of this Motion, Tagmetics states as follows:

1. Kenneth Kayser, Ronald Earley, and Jonathan Hager (the "Remaining Petitioning Creditors") filed a motion seeking to hold Tagmetics in criminal contempt [Doc. #181].
2. Before the deadline for Tagmetics to file an opposition to the criminal contempt motion, the Court ordered an evidentiary hearing on June 25, 2020 to address the Remaining Petitioning Creditors' contempt motion. *See* Doc. #182.
3. Tagmetics has filed an Opposition to the Motion to Hold Tagmetics in Criminal Contempt and one of the arguments in that Opposition contends that this Court does not have authority to conduct a criminal proceeding or issue criminal sanctions.
4. A determination on whether this Court will conduct a criminal contempt proceeding should be made prior to the evidentiary hearing to give Tagmetics sufficient time to retain criminal defense counsel.¹

¹ As noted in Tagmetics' Opposition, undersigned counsel is not a criminal defense lawyer and does not plan to represent Tagmetics in any criminal proceeding.

5. Additionally, Tagnetics filed a Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics and, if such discovery is permitted, it should be conducted prior to the evidentiary hearing because such factual discovery would be relevant to matters to be addressed in the evidentiary hearing.

6. The parties that will be affected by the relief requested in this Motion and the Motion to Reschedule Evidentiary Hearing are the parties to this proceeding: Tagnetics and the Remaining Petitioning Creditors.

7. Tagnetics requests that any opposition be filed by June 19, 2020 and any hearing to address this Motion be heard on June 22, 2020.

8. This Motion and each of the related filings made on the same date will be sent to the Remaining Petitioning Creditors via email on June 12, 2020 as well as FedEx (to two of the Remaining Petitioning Creditors) and United States Mail the Remaining Petitioning Creditor who has disclosed only a P.O. Box for delivery of paper service.

9. Tagnetics proposes a resolution of this Motion and whether the evidentiary hearing will proceed as currently scheduled by June 25, 2020.

10. Included with this Motion is a proposed form of notice and proposed order.

Dated: June 12, 2020

Respectfully submitted,

/s/ Stephen B. Stern

Stephen B. Stern, Admitted Pro Hac Vice
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*Counsel for Alleged Debtor
Tagnetics, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2020, a copy of the foregoing Motion for Expedited Disposition was served (i) **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) electronically by email to Kenneth W. Kayser. (drkwkayser@gmail.com), Ronald E. Early (ronald.earley1@gmail.com) and Jonathan Hager (pufferboater@gmail.com), and (iii) by **First Class U.S. Mail** on June 12, 2020 to Kenneth Kayser and MaryAnne Wilsbacher at the addresses below, and (iv) FedEx to Ronald Earley and Jonathan Hager at the addresses below:

Kenneth W. Kayser
PO Box 115
Catawba, VA 24070

Ronald E. Early
6429 Winding Tree Drive
New Carlisle, OH 45344

Jonathan Hager
842 Paint Bank Road
Salem, VA 24153

MaryAnne Wilsbacher
Office of the United States Trustee
170 North High Street
Suite 200
Columbus, Ohio 43215

/s/ Stephen B. Stern

Stephen B. Stern